

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
January 7, 2003, 9:00 A.M.

City Hall
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation – Rev. William Wood, St. John’s Episcopal Church
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
-

AWARDS AND PRESENTATIONS

- Proclamations
 - 2002 Toys for Tots Campaign Appreciation Award
 - Distinguished Service Citations
-

UNFINISHED BUSINESS

1. Consideration to Allocate Funds for Emergency Social Services.
(Previously considered on December 17, 2002)
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NEW BUSINESS

2. Petition to Pave Streets in an Area North of Kellogg, West of 119th Street West. (District V)

Signatures on the Petition represent 91 of 155 (58.71 percent) resident owners and 43.92 percent of the improvement district area.

RECOMMENDED ACTION: Approve the Petition, adopt the Resolution;
authorize selection of design engineer.
3. Request for Letter of Intent for Industrial Refunding Revenue Bonds – Envision, Inc. (District III)

Envision is requesting to refinance its 1999 and 2001 bonds and approval of a six-month Letter of Intent to issue Industrial Refunding Revenue bonds in the approximate amount of \$5.3 million.

RECOMMENDED ACTION: Approve a Letter of Intent, subject to standard conditions; authorize necessary signatures.

4. [Request for Letter of Intent for Industrial Revenue Bonds – Casa de-la-Familia Apartments.](#) (District VI)

The project owner has requested that the Letter of Intent be re-issued in the name of Community Housing Partners, L.L.C. in the amount of approximately \$11 million.

RECOMMENDED ACTION: Approve a Letter of Intent, subject to standard conditions – except condition No. 7; approve 100 percent property tax rebate, and support for low-income housing tax credits, subject to conditions pertaining to original Casa Del Norte project.

5. [Environmental Protection Resolution.](#)

The proposed Resolution would encourage more stringent environmental regulations regarding animal feeding operations.

RECOMMENDED ACTION: Adopt the Resolution; authorize transmittal.

6. [Banking Services Agreement.](#)

The proposed Agreement and Resolutions approve selection of a banking services provider, and the execution and delivery of agreements in connection with the banking services provider.

RECOMMENDED ACTION: Approve provider selection and Contracts; adopt the Resolutions; authorize necessary signatures.

CITY COUNCIL AGENDA

7. [Approval of Travel Expenses for City Council Members to Attend National League of Cities Annual Congressional City Conference in Washington, DC., March 6-11, 2003.](#)

RECOMMENDED ACTION: Approve the expenditures.

8. [Approval of Travel Expenses for Mayor and Spouse for Official Sister Cities Visit to Cancun, Mexico, January 15-19, 2003.](#)

RECOMMENDED ACTION: Approve the expenditures.

9. [Consideration of Naming Seneca Street Bridge.](#)

RECOMMENDED ACTION: Appoint Naming Committee and/or deny proposal.

CONSENT AGENDA

10. Report of the Board of Bids and Contracts Dated January 6, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

11. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Mon Fee Wong Doug E. Beckham	Golden Dragon Restaurant* Leonora's	6100 East 21 st Street #180 1528 South Washington
		<u>(Consumption off Premises)</u>
Jay A. Johnson Jay A. Johnson	Johnson's General Stores, Inc. #06 Johnson's General Stores, Inc. #39	1003 South Seneca 5400 North Meridian
<u>New Operator</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Beth A. Schoenhofer	The Chug	5111 West 13 th Street
<u>New Establishment</u>		<u>(Consumption on Premises)</u>
Mark T. Ryan Joseph R. Boucher	Two Brothers BBQ* Stix	3750 North Woodlawn 4311 West Central
		<u>(Consumption off Premises)</u>
Son Binh Tran	C & C Store	1131 East 47 th Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

12. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted
to the Board of Bids.

13. Preliminary Estimates:

- a) 2003 wheelchair ramp and sidewalk - Phase 2 - north of MacArthur, east of Oliver - 472-83660/ 06847 /203313) Traffic to be maintained during construction using flagpersons and barricades. (Districts I&III) - \$200,000.00
- b) 2002 contract maintenance preparatory curb & gutter repairs - north of 47th Street South, east of 135th Street West. (472-83490/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V&VI) - \$245,000.00

(Item 13 continued)

- c) Main 6, Northwest Interceptor Sewer - north of 21st North, east and west of Maize Road. (468-83423/743925/480613) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$2,134,250.00
- d) Rutgers Court serving Lots 1 thru 10, Block 5; Rutgers Court serving Lots 11 thru 20, Block 5; Greenspoint from the west line of Rutgers/Greenspoint to the west line of Lot 1, Block 6; Parkdale from the south line of Lot 11, Block 6 to Greenspoint/Parkdale; and Sidewalk along the west, south and east side of Rutgers/Greenspoint/Parkdale to serve Evergreen Addition - north of 21st Street North, west of Maize Road. (472-83256/765756/490867) Does not affect existing traffic. (District V) - \$647,000.00
- e) Lift station & force main for Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (468-83428/743949/480637) Does not affect existing traffic. (District V) - \$660,000.00
- f) Installation of water main in Maize Road from 29th Street North to 37th Street North (District V) - along Maize Road from 29th Street North to 37th Street North. (448-89752/633754/752869) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$390,000.00

Amended:

- g) Water Distribution System to serve part of Lots 19 and 20, Block 12, Fruitvale Addition - south of Central, east of Hoover. (District IV) - \$3,210.00
- h) Water Distribution System along Burton Street, between St. Paul and Gordon (District IV) - \$3,350.00
- x) Water Distribution System to serve the west half of Lot 61, Valley Acres Addition - south of 10th, west of Custer.. (District VI)- \$6,300.00
- i) Water Distribution System to serve part of Lot 4, Block 4, Avery Addition -north of Central, west of Hoover. (District VI) - \$5,000.00
- j) Lateral 105, Sanitary Sewer to serve Great Plains Business Park 3rd Addition - south of 37th Street North, east of Oliver. (District I) - \$10,900.00

RECOMMENDED ACTION: Approve and file.

14. Deeds and Easements:

- a) Easement dated October 31, 2002 from Ted Wilbur, Green-Glo Turf Maintenance, Inc. for a tract of land in Lot 1, Block 1 Wilbur Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- b) Easement dated December 10, 2002 from Bradley Fair One, L.L.C. for a tract of land in Lot 2, Block 1 Bradley Fair Addition, Wichita, Sedgwick County, Kansas (Waterline, OCA #607853). No cost to City.
- c) Easement dated December 10, 2002 from Bradley Fair One, L.L.C. for tracts of land in Lots 2, 5 and 6, Block 1 Bradley Fair Addition, Wichita, Sedgwick County, Kansas (Waterline, OCA #607853). No cost to City.

(Item 14 continued)

- d) Easement dated December 10, 2002 from Bradley Fair One, L.L.C. for a tract of land in Lot 6, Block 1 Bradley Fair Addition, Wichita, Sedgwick County, Kansas (Waterline, OCA #607853). No cost to City.

RECOMMENDED ACTION: Accept documents.

15. Minutes of Advisory Boards/Commissions:

Wichita Public Building Commission, April 10, 2002
Wichita Public Building Commission, July 17, 2002
Wichita Public Building Commission, August 7, 2002
Wichita Employees' Retirement System, October 16, 2002
Police & Fire Retirement System, October 23, 2002
District Advisory Board VI, November 4, 2002
Wichita Employee's Retirement Board/Police & Fire Retirement Board, November 7, 2002
Police & Fire Retirement Board, November 12, 2002
Wichita Public Library, December 17, 2002

RECOMMENDED ACTION: Receive and file.

16. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

17. Report on Claims Allowed November 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Atwood, Tammy	\$267.90**
Fox, Su	\$507.21
Jacques, Andy	\$349.41
Kansas Truck Equipment Co., Inc.	\$683.70
Myshka, Paul	\$391.00
Sager, Melissa	\$156.73
Sedgwick County Risk Mgmt	\$2,457.10

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

18. Agreements/Contracts:

- a) Legal services – civil rights and personal injury.
- b) Utility easement for Wesley Inn. (District II)
- c) City/County for Kellogg/Tyler and Maize interchanges project. (District V)
- d) Amendment – Homeland Preparedness Center. (District I)
- e) Grant award – horizontal grinder for Brooks Landfill.

(Item 18 continued)

- f) [Easement](#) release – Crestview Pump Station.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

19. Design Services Agreements:

- a) [Hawthorne](#) Addition – north of 21st, east of 127th Street East. (District II)
- b) [The Waterfront](#) Addition and Beech Lake Development – east of Webb, north of 13th. (District II)
- c) [Wichita](#) Heights High School Addition – south of 53rd Street North, west of Hillside. (District I)
- d) [Springdale](#) East Second Addition – south of Kellogg, east of 143rd Street East. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

20. Relocation of Western Resources Electric Lines. (District III)

RECOMMENDED ACTION: Approve Agreement; authorize signatures and payment.

21. Kansas Department of Housing & Development Tourism Grant-Aviation Festival Marketing.

RECOMMENDED ACTION: Approve the Grant award; authorize signatures.

22. 2003 Street Rehabilitation Program. (Districts II and IV)

RECOMMENDED ACTION: Approve the project and first reading of the Ordinance.

23. HUD Consolidated Plan Substantial Amendment. (Districts I, III, IV, and VI)

RECOMMENDED ACTION: Approve reallocation of HOME funds, substantial amendment, subject to comments, and Agreement; authorize public comment period.

24. Settlement of Condemnation Appeal.

RECOMMENDED ACTION: Authorize payment of settlement.

25. [Datastream](#) Asset Management System for Fleet and Facilities Management.

RECOMMENDED ACTION: Approve the project and Contracts; authorize necessary signatures.

26. [Waiver](#) of Financial Guarantee Requirement – Power CDC Millair Creek. (District I)

RECOMMENDED ACTION: Approve waiver; authorize signatures.

27. [2002](#) Year-End Budget Adjustments.

RECOMMENDED ACTION: Approve the budget adjustments.

28. Property Acquisition:

- a) [1911](#) North Hillside. (District I)
- b) [1933](#) North Hillside. (District I)
- c) [1943](#) North Hillside. (District I)
- d) [1947](#) North Hillside. (District I)
- e) [8220](#) East Kellogg. (District II)
- f) [7152](#) East Kellogg. (District II)
- g) 7310 East Kellogg. (District II)
- h) [Sewer](#) easement – 2924 South Hoover. (District IV)
- i) [1053](#) Acadia. (District V)
- j) [2402](#) East 9th Street. (District I)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

29. [Sale](#) of Surplus Property - North Side of Kellogg, East of Bonnie Brae. (District II)

RECOMMENDED ACTION: Approve sale and Contract; authorize necessary signatures.

30. Second Reading Ordinances: (First read December 17, 2002)

a) 13th Street at Hydraulic Intersection Improvement. (District I)

An Ordinance declaring the intersection of 13th Street North and Hydraulic (472-83667) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

b) Request for Letter of Intent for Industrial Revenue Bonds and Tax Exemption Request – Typed Letters Corporation. (District V)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Typed Letters Corporation, so exempted.

c) Public Hearing and Tax Exemption Request – Perfekta, Inc. (District VI)

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Perfekta, Inc, so exempted.

d) Appropriating 2003 budget; ratifying payment of claims against 2002 budget.

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts.

e) Adult business establishments.

An Ordinance amending Sections 3.05.70 and 3.05.100 of the Code of the City of Wichita, Kansas, pertaining to regulation ad Adult Business Establishments and repealing to originals of said Sections.

f) Private on-line sewage system code.

An Ordinance amending Section 16.12.10, 16.12.20, 16.12.30, 16.12.40, 16.12.50, 16.12.60, 16.12.70, 16.12.90, and 16.12.100, and creating Section 12.16.45 of the Code of the City of Wichita, Kansas, pertaining to on-site waste water and alternative sewer systems and repealing the originals of said Sections.

g) ZON2002-18 - south of 21st Street North, west side of Webb Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21. ZON2002-18.

h) ZON2002-62 – southwest Corner of Maple and 119th Street West. (District V)

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-62

(Item 30 continued)

- i) A02-22 – east of Tyler Road and South of 37th Street North. (District V)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A02-22

RECOMMENDED ACTION: Adopt Ordinances.

31. First Reading Ordinance - Amendment Pertaining to Service Animals.

RECOMMENDED ACTION: Approve first reading of Ordinance.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5 p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

- *32. [S/D 99-86](#) – Plat of Reed Commercial Addition – Southeast Corner of 21st Street North and 127th Street East. (District II)

RECOMMENDED ACTION: Approve documents, Plat, and first reading of SCZ-0712 Ordinance; authorize signatures; adopt Resolutions.

- *33. [SUB2002-57](#) – Plat of Reed's Cove Addition – Southeast Corner of 21st Street North and 127th Street East.

RECOMMENDED ACTION: Approve documents, Plat, and first reading of ZON2002-41 Ordinance; authorize signatures; adopt Resolutions.

- *34. [SUB2002-70](#) – Plat of Executive at White Tail Addition – Southeast Corner of K-96 and 13th Street North. (District II)

RECOMMENDED ACTION: Approve documents and Plat; authorize signatures; adopt Resolutions.

- *35. [SUB2002-74](#) – Plat of The Waterfront Addition – Northeast Corner of 13th Street and Webb Road. (District II)

RECOMMENDED ACTION: Approve documents and Plat; authorize signatures; adopt Resolutions.

- *36. [SUB2002-90](#) – Plat of Legacy Park Wilson Estates Second Addition – Southwest Corner of 21st Street North and Webb Road. (District II)

RECOMMENDED ACTION: Approve documents and Plat; authorize signatures; adopt Resolutions.

- *37. [SUB2002-91](#) – Plat of Evergreen Third Addition – North Side of 21st Street and West of Maize Road. (District V)

RECOMMENDED ACTION: Approve documents and Plat; authorize signatures; adopt Resolutions.

- *38. [SUB2002-95](#) – Plat of Tyler's Landing Addition – South of 37th Street North, East Side of Tyler Road. (District V)

RECOMMENDED ACTION: Approve documents and Plat; authorize signatures; adopt Resolutions.

- *39. [SUB2002-98](#) – Plat of Remington Place Second Addition – South Side of 21st Street North, East of Webb Road. (District II)

RECOMMENDED ACTION: Approve documents, Plat, and first reading of ZON2001-44 Ordinance; authorize signatures; adopt Resolutions.

- *40. [SUB2002-105](#) – Plat of Falcon Falls Addition – South of 53rd Street North, West Side of Hillside. (District I)

RECOMMENDED ACTION: Approve documents and Plat; authorize signatures; adopt Resolutions.

- *41. [Street Improvement Agreement for Lot Split No. SUB2002-125 – East of Seneca, South of 61st Street South.](#) (District IV)

RECOMMENDED ACTION: Approve Agreement.

- *42. [ZON2002-00063](#) – Zone Change to Limited Commercial; Amendment of Protective Overlay No. 49 – Northwest Corner of Maize Road and Central Park. (District V)

RECOMMENDED ACTION: Approve Zone Change, protective overlay amendment, and first reading of Ordinance.

- *43. [ZON2002-00055](#) – Zone Change from General Office and Multi-Family Residential to Office Warehouse, and CUP2002-00038 DP67 No. 5, Amendment to Northborough Community Unit Plat – South of 21st Street North, East of Woodlawn. (District II)

RECOMMENDED ACTION: Approve zone change and C.U.P., subject to recommended conditions; Ordinance to be forwarded to City Council with Plat.

- *44. [ZON2001-00008](#) and CUP2001-00004 – Extension of Time to Complete Platting Requirement for a Zone Change from Multi-Family Residential to Limited Commercial; and an Amendment to DP-62 Chelsea Station C.U.P. – Northwest Corner of Rock Hill and Rock Road. (District II)

RECOMMENDED ACTION: Approve extension to January 8, 2004.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

45. Schedule of Fees and Charges for Aircraft Use of Mid-Continent Airport.

RECOMMENDED ACTION: Approve the schedule; adopt the Resolution.

Adjournment
